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16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**  
19

20 IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
21 LITIGATION

22  
23 This Document Relates to:  
24 ALL MATTERS  
25  
26  
27  
28

Case No. 3:23-md-03084-CRB (LJC)

**DECLARATION OF RANDALL S. LUSKEY  
IN SUPPORT OF DEFENDANTS' MOTION  
FOR PROTECTIVE ORDER**

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

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**DECLARATION OF RANDALL S. LUSKEY**

I, Randall S. Luskey, declare pursuant to 28 U.S.C. § 1746:

1. I am over 18 years of age, of sound mind, and competent to make the statements in this declaration. I am an attorney at law duly licensed to practice before all courts of the State of California and a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC in the above-captioned matter. I have personal knowledge of the facts set forth herein, except where stated upon information and belief, and if called as a witness to testify, I could and would competently testify as to the truth of the same if requested to do so.

2. I submit this declaration in support of Defendants' Motion for Protective Order, filed on February 28, 2025.

3. Attached hereto as **Exhibit 1** is true and correct copy of the Order on Uber's Motion to Quash and For Protective Order, dated January 9, 2025, entered in the litigation captioned, *In Re: Uber Rideshare Cases*, Case No. CJC-21-005188 (Cal. Super. Ct. S.F. Cnty.) ("the JCCP").

4. Attached hereto as **Exhibit 2** are true and correct copies of excerpts from the transcript of the October 24, 2023, deposition of Brad Rosenthal, taken in the JCCP.

5. Attached hereto as **Exhibit 3** are true and correct copies of excerpts from the transcript of the November 19, 2024, deposition of Roger Kaiser, taken in the JCCP..

6. Attached hereto as **Exhibit 4** are true and correct copies of excerpts from the transcript of the December 3, 2024 deposition of Kate Parker, taken in the JCCP.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 28, 2025 in San Francisco, California.

\_\_\_\_\_  
/s/ Randall S. Luskey  
Randall S. Luskey

# EXHIBIT 1

**FILED**  
San Francisco County Superior Court

JAN 09 2025

CLERK OF THE COURT

BY: Edmund J. [Signature]  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 304

COORDINATION PROCEEDING  
SPECIAL TITLE [RULE 3.550]

Case No. CJC-21-005188  
JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 5188

IN RE UBER RIDESHARE CASES

ORDER ON UBER'S MOTION TO QUASH  
AND FOR PROTECTIVE ORDER

Defendants Uber Technologies, Inc. and Rasier, LLC's (together, "Uber") motion to quash and for protective order came on for hearing on January 9, 2025. The Court circulated a tentative ruling in advance of the hearing, and the parties submitted on the tentative ruling, which is hereby adopted.

**BACKGROUND**

On March 7, 2023, Plaintiffs filed a Master Long-Form Complaint against Defendants Uber Technologies, Inc. and Rasier, LLC (together, "Uber"). Plaintiffs alleged sixteen causes of action: (1) general negligence; (2) common carrier negligence; (3) negligent misrepresentation; (4) intentional misrepresentation; (5) negligent infliction of emotional distress ("NIED"); (6) intentional infliction of

emotional distress (“IIED”); (7) vicarious liability/liability for the torts of Uber drivers; (8) vicarious liability for sexual assault; (9) vicarious liability for sexual battery; (10) vicarious liability for false imprisonment; (11) negligence by misfeasance; (12) negligence by nonfeasance; (13) intentional concealment; (14) strict product liability – design defect; (15) strict product liability – failure to warn; and (16) fraud. (Compl. ¶¶ 164-348.) On June 22, 2023, the Court sustained Uber’s Demurrer to Plaintiffs’ Master Long-Form Complaint. (June 22, 2023 Order, 1, 19.) In particular, the Court sustained Uber’s demurrer as to Plaintiffs’ vicarious liability, fraud, misrepresentation, and strict products liability claims without leave to amend. (*Id.* at 1, 12, 15, 19.) The Court sustained Uber’s demurrer as to the negligent infliction of emotional distress claim with leave to amend. (*Id.* at 1, 16, 19.) On July 24, 2023, Plaintiffs filed a First Amended Master Long Form Complaint (“FAC”) alleging causes of action for general negligence, common carrier negligence, negligence by misfeasance, and negligence by nonfeasance. Plaintiffs allege as follows.

Plaintiffs “are individuals who were raped, sexually assaulted, sexually battered, sexually harassed, falsely imprisoned, kidnapped, physically assaulted, and/or otherwise assaulted and/or harassed by their Uber driver.” (FAC ¶ 6.) Uber is a transportation company that uses its app (“Uber App”) to “connect riders looking for transportation to independent transportation providers...looking for riders.” (*Id.* ¶¶ 1, 21-22.) Uber “drivers are largely nonprofessional, untrained individuals who use their own vehicles.” (*Id.* ¶ 44.)

As early as 2014, Uber became aware that its drivers were engaging in sexual misconduct or sexual assault against its passengers. (*Id.* ¶ 3; see *id.* ¶ 27.) Uber has “publicly acknowledged this sexual assault crisis.” (*Id.* ¶ 4; see *id.* ¶¶ 29, 121, 147, 149; see, e.g., *id.* ¶¶ 121-122 [approximately 250 reported sexual assaults per month in 2017 and 2018].) However, Uber “has actively chosen not to report instances of sexual assault that occur on the UBER App to the authorities” or other ridesharing companies. (*Id.* ¶¶ 84-86, 88, 134.) In addition, Uber does not proactively cooperate with law enforcement investigating cases passenger victims report to the police or participate in transportation network company (“TNC”) safety hearings. (*Id.* ¶¶ 89-94, 116-120.) Moreover, after a victim reports a sexual assault, Uber often erases the victim’s complaint and disables the victim’s account, which

precludes the victim from accessing pertinent information such as the driver's name, driver's photo, make and model of the vehicle, ride time, ride distance, and route. (*Id.* ¶¶ 94-95, 100, 102.)

Despite marketing itself as a safe and better alternative to other transportation methods, Uber continues to hire drivers without conducting adequate background checks and screening procedures, allows culpable drivers to keep driving for Uber, and fails to adopt and implement reasonable monitoring and investigation procedures to protect passengers. (*Id.* ¶¶ 4, 24-25, 28, 30-31, 112-114, 131-133, 160-161, 164-168, 170-172, 189-190, 192, 209, 214-215, 218; see, e.g., *id.* ¶¶ 34-43, 66-69, 73-83, 130 [Uber Safe Rides Fee was a revenue source rather than a fund for implementing background checks, vehicle checks, driver safety education, development of safety features, and insurance]; but see *id.* ¶ 111 [the Uber App now includes an emergency button that allows a passenger to call 911].) Due to Uber's failure to implement changes, passengers continue to be victims of sexual assaults. (*Id.* ¶¶ 28, 127.)

By order filed February 5, 2024, this Court granted Plaintiffs' motion to compel discovery in part, ordering Uber to produce documents from three senior executive custodians and denying their request as to four others. (Feb. 5, 2024 Order.)

Uber now moves to quash the deposition subpoena for Travis Kalanick and seeks a protective order against Plaintiffs' deposition notices of Dara Khosrowshahi, Travis Kalanick, Jill Hazelbaker, Sachin Kansal, Mike Akamine, and Frank Chang (collectively "Senior Executives"). Plaintiffs oppose the motion.

### **LEGAL STANDARD**

"Before, during, or after a deposition, any party, any deponent, or any other affected natural person or organization may promptly move for a protective order . . . to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." (Code Civ. Proc. § 2025.420(a), (b).) The protective order may direct, among other things, "[t]hat the deposition not be taken at all" or that it "be taken at a different time." (*Id.* § 2025.420(b)(1), (2).) Further, a party or witness has the right to move to quash a deposition subpoena served on a third party, and the court "may make an order quashing the subpoena entirely, modifying it, or

1 directing compliance with it upon those terms or conditions as the court shall declare, including protective  
2 orders.” (*Id.* § 1987.1(a), (b)(1), (2).)

3 “California law provides parties with expansive discovery rights.” (*Ross v. Superior Court of*  
4 *Riverside County* (2022) 77 Cal.App.5th 667, 679 (cleaned up).) Unless otherwise limited by a court  
5 order, “any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject  
6 matter involved in the pending action . . . , if the matter either is itself admissible in evidence or appears  
7 reasonably calculated to lead to the discovery of admissible evidence.” (Code Civ. Proc. § 2017.010.)

8 “Despite the otherwise broad availability of discovery, the general rule in California and federal  
9 court is that agency heads and other top governmental executives are not subject to deposition absent  
10 compelling reasons.” (*Ross*, 77 Cal.App.5th at 679-680 (cleaned up).) The same rule, often referred to as  
11 the “apex” doctrine, also applies to “corporate president[s] or other official[s] at the highest level of  
12 corporate management.” (*Liberty Mutual Ins. Co. v. Superior Court* (1992) 10 Cal.App.4th 1282, 1284.)  
13 “The general rule is based upon the recognition that . . . an official’s time and the exigencies of his  
14 everyday business would be severely impeded if every plaintiff filing a complaint against an agency [or  
15 corporate] head, in his official capacity, were allowed to take his oral deposition. Such procedure would  
16 be contrary to the public interest, plus the fact that ordinarily the head of an agency [or corporation] has  
17 little or no knowledge of the facts of the case.” (*Contractors’ State License Board v. Superior Court*  
18 (2018) 23 Cal.App.5th 125, 131 (cleaned up).) As the court explained in the seminal California case, “it  
19 would seem sensible to prevent a plaintiff from leap-frogging to the apex of the corporate hierarchy in the  
20 first instance, without the intermediate steps of seeking discovery from lower-level employees more  
21 involved in everyday corporate operations.” (*Liberty Mutual Ins. Co.*, 10 Cal.App.4th at 1287.) Further,  
22 apex depositions, “when conducted before less intrusive discovery methods are exhausted, raise a  
23 tremendous potential for discovery abuse and harassment.” (*Id.*)

24 “An exception will be made to this rule only when the deposing party makes two showings. First,  
25 the deposing party must show that the [corporate] official has direct personal factual . . . information  
26 pertaining to material issues in the action. Second, the deposing party must also show the information to  
27 be gained from the deposition is not available through any other source.” (*Ross*, 77 Cal.App.5th at 680  
28



(cleaned up).) “The rule applies regardless of whether the official is a named defendant or a third party, or whether the official gained the information sought while in his or her present position or while serving in prior, lower ranking positions at the agency.” (*Id.*)

Thus, “when a plaintiff seeks to depose a corporate president or other official at the highest level of corporate management, and that official moves for a protective order to prohibit the deposition, the trial court should first determine whether the plaintiff has shown good cause that the official has unique or superior personal knowledge of discoverable information. If not, as will presumably often be the case in the instance of a large national or international corporation, the trial court should issue the protective order and first require the plaintiff to obtain the necessary discovery through less-intrusive methods.” (*Liberty Mutual Ins. Co.*, 10 Cal.App.4th at 1289.) Such methods may include “interrogatories directed to the high-level official to explore the state of his or her knowledge or involvement in plaintiff’s case; the deposition of lower-level employees with appropriate knowledge and involvement in the subject matter of the litigation; and the organizational deposition of the corporation itself, which will require the corporation to produce for deposition the most qualified officer or employee to testify on its behalf as to the specified matters to be raised at the deposition. Should these avenues be exhausted, and the plaintiff make a colorable showing of good cause that the high-level official possesses necessary information to the case, the trial court may then lift the protective order and allow the deposition to proceed.” (*Id.*)

### DISCUSSION

Plaintiffs seek to take the depositions of six of Uber’s current and former executives:

- Dara Khosrowshahi, Uber’s CEO, a position he has held since August 2017;
- Travis Kalanick, Uber’s former CEO, who served in that role from 2010 until June 2017;
- Jill Hazelbaker, Uber’s Chief Marketing Officer and Senior Vice President, Communications & Public Policy;
- Sachin Kansal, Uber’s Chief Product Officer;
- Michael Akamine, Uber’s Director of Product Management; and
- Frank Chang, Uber’s Vice President of Applied Science.

Each of these Senior Executives is (or was) either a member of Uber's Executive Leadership Team ("ELT"), which represents the highest level of management at Uber and is equivalent to Uber's "C-Suite," or reports directly to it or to the CEO.

At the outset, Plaintiffs rely on federal cases for the proposition that it is Uber that bears the burden on the instant motion, asserting that "[t]he party seeking to avoid an apex deposition bears the burden of showing good cause for why the deposition should not be allowed." (Opposition, 3.) However, California authority is to the contrary: "the burden is on the deposing party to show that compelling reasons exist for permitting the deposition." (*Ross*, 77 Cal.App.5th at 680 (cleaned up); accord, *Contractors' State License Bd.*, 23 Cal.App.5th at 132, citing *Liberty Mutual Ins. Co.*, 10 Cal.App.4th at 1289.)<sup>1</sup> Nor does California law support Plaintiffs' assertion that apex protection is reserved for "extraordinary circumstances." (Opposition, 2-3, 20.)<sup>2</sup>

Further, Plaintiffs' reliance on the Court's February 5, 2024 Order on Plaintiffs' motion to compel discovery related to Uber's senior executive custodians (Opposition, 11, 18) is misplaced. While that Order addressed discovery related to the custodial files of three of the Senior Executives at issue here (Kalanick, Khosrowshahi, and Hazelbaker), it explicitly noted that "[c]ourts have declined to extend the apex rule outside the context of depositions, holding that it is not a protective shield that prohibits discovery from high-ranking officials." (Feb. 5, 2024 Order, 4 (cleaned up).) Rather, the Court applied a different standard to the document discovery sought by that motion, pursuant to which Plaintiffs had "the initial threshold burden of showing that the disputed custodian's ESI likely includes information relevant to the claims or defenses in the case." (*Id.* at 5 (cleaned up); compare *id.* at fn. 2 [declining to adopt higher standard which would require a showing that the executive's relevant ESI is unique and would not

<sup>1</sup> To be sure, the Court acknowledges that "[b]ecause of the similarity of California and federal discovery law, federal decisions have historically been considered persuasive absent contrary California decisions." (*Liberty Mutual Ins. Co.*, 10 Cal.App.4th at 1288.) Here, however, there *are* contrary California decisions, which are binding on this Court.

<sup>2</sup> Because decisions in this area turn on the facts of individual cases and the status of discovery in those cases, it is not persuasive, much less dispositive, that another court may have found the apex standard satisfied in a given case, such as the securities case against Uber cited in Plaintiffs' papers. (Opposition, 1 [contending that "the Northern District of California federal court recently recognized that these same witnesses don't warrant apex protection."].)

1 be available from other designated custodians].<sup>3</sup> That “likely relevance” standard is far less demanding  
 2 than the “unique or superior personal knowledge” standard that applies here. The Court finds that  
 3 Plaintiffs have not met their burden at this stage of the litigation to justify the apex depositions they seek  
 4 to take, although it intends to leave the door open to the parties to revisit these issues after the completion  
 5 of substantial deposition discovery.

6 Each of the Senior Executives who are the subject of Uber’s motion has submitted a declaration  
 7 stating, in substantially similar language, that in their current (or former) position, they are “not directly or  
 8 uniquely involved in the development, implementation, or execution of the safety policies or practices,  
 9 technologies, or other measures that are the focus of Plaintiffs’ lawsuits.” (E.g., Khosrowshahi Decl. ¶ 9.)  
 10 Declarants assert further that they do not possess unique or superior personal knowledge concerning the  
 11 issues presented by Plaintiffs’ lawsuits, such as driver background checks, alleged incidents of sexual  
 12 misconduct, rider or driver account deactivations, and that to the extent they do have knowledge of those  
 13 matters, “it is information that would have been reported to me by other executives or others directly  
 14 responsible for those matters.” (*Id.*; see also Kalanick Decl. ¶¶ 4, 6; Hazelbaker Decl. ¶ 7; Kansal Decl.  
 15 ¶¶ 7, 12; Akamine Decl. ¶¶ 7, 11; Chang Decl. ¶ 9.) On its face, this showing would appear to be  
 16 adequate to satisfy the first prong of the apex test in California.<sup>4</sup>

17 Plaintiffs take issue with Uber’s showing, asserting that “Uber’s documents and witness testimony  
 18 prove these individuals personally issued directives, guided the development and implementation of  
 19 Uber’s safety measures and how those measures and Uber’s claims of safety would be disclosed (or not  
 20 disclosed) to the public, were ultimate decision-makers regarding safety measures Uber decided not to  
 21 implement . . . , are percipient witnesses, and have unique knowledge that is unavailable from another  
 22 source.” (Opposition, 1.) They explain that the litigation “directly concerns executive-level decisions  
 23 about whether to implement particular safety practices, policies, or technologies.” (*Id.* at 8.) And they

24 <sup>3</sup> For similar reasons, the Court is unpersuaded that Judge Cisneros’s order in the MDL litigation directing  
 25 Uber to produce Chang’s custodial file (Opp. (Dec. 30, 2024), 2) warrants a different conclusion. That  
 26 order, too, applied a “likely [to have] relevant information” standard. (*Id.*)

27 <sup>4</sup> The Court disagrees with Plaintiffs’ contention that it should disregard the Senior Executives’  
 28 declarations as “conclusory.” (Opposition, 7; see *Liberty Mutual Ins. Co.*, 10 Cal.App.4th at 1290 [“we  
 do not agree . . . that a high-level official’s protestation of ignorance of a lawsuit is self-serving and  
 automatically suspect”].)

1 assert that the limited number of depositions of Uber employees they have taken to date demonstrate that  
 2 the Senior Executives “have personal knowledge of facts relevant to this litigation, were directly involved  
 3 and served as ultimate decision-makers about key initiatives and decisions about safety, and the  
 4 information is specific and unique to each of them.” (*Id.* at 9.) Uber, for its part, responds that Plaintiffs’  
 5 showing establishes only that “the Senior Executives have some knowledge of some relevant topics by  
 6 virtue of being copied on documents, communicating with their reports, or making public statements—all  
 7 of which could be said of almost any apex witness.” (Reply, 6.)<sup>5</sup> Uber also asserts that none of Plaintiffs’  
 8 voluminous exhibits points to the Senior Executives as “the only witnesses with the facts to answer  
 9 Plaintiffs’ questions or, at least, as witnesses with greater knowledge of those facts.” (*Id.* at 7.)

10 The Court declines to second-guess the Senior Executives’ sworn statements that they lack unique  
 11 or superior personal knowledge of discoverable information. Further development of discovery in this  
 12 case, such as by PMK depositions or depositions of lower level employees, may well shed light on that  
 13 issue. Each of the Senior Executives lists multiple other high-ranking Uber employees or former  
 14 employees who had direct personal involvement in and responsibility for the pertinent subject matters.  
 15 (Khosrowshahi Decl. ¶ 10 [listing ten such employees]; Kalanick Decl. ¶ 7 [listing the same ten  
 16 employees]; Hazelbaker Decl. ¶ 8 [listing six employees responsible for Uber’s communications and  
 17 marketing efforts relating to safety issues]; Kansal Decl. ¶¶ 8-11 [listing two employees responsible for  
 18 safety measures as well as nine additional employees with knowledge and responsibility for safety-related  
 19 issues]; Akamine Decl. ¶¶ 8-10 [similar]; Chang Decl. ¶¶ 10-15 [listing seven Uber employees  
 20 responsible for Uber’s data science and analytics relating to safety issues, Uber’s Safety Reports, and  
 21 related issues].) Many of those employees’ depositions have yet to be taken.

22 At this stage of the case, the Court is not persuaded that it would be appropriate to allow Plaintiffs  
 23 to take these high-level corporate officers’ depositions without first requiring Plaintiffs to exhaust other  
 24 avenues available to them. That should be feasible, given the current status and timing of discovery.

25 <sup>5</sup> See *Liberty Mutual Ins. Co.*, 10 Cal.App.4th at 1287 [rejecting argument that “the mere act of copying  
 26 the chief executive officer with a few pieces of correspondence creates ‘constructive notice’ justifying the  
 27 deposition.”]; see also *Brown v. Google, LLC* (Apr. 4, 2022) 2022 WL 2289059, \*2 [apex standard not  
 28 satisfied as to Google’s CEO where magistrate judge found only that “[a] few documents establish that  
 specific relevant information was communicated to, and possibly from, [the CEO].” (cleaned up)].

1 When Uber's motion was filed, the January 15, 2025 deadline to complete fact discovery was fast  
2 approaching, although Plaintiffs had proposed extending that deadline by thirty days to February 28,  
3 2025. (Opposition, 8-9; Abramson Decl. ¶ 5.) By stipulation of the parties, however, the Court recently  
4 extended the fact discovery cut-off date until May 30, 2025. (Dec. 23, 2024 Order.) To date, a relatively  
5 modest number of depositions of Uber employees (11, of 25 individual witnesses noticed by Plaintiff)<sup>6</sup>  
6 have been taken, and Plaintiffs have yet to commence the persons most knowledgeable depositions of  
7 Uber on a long list of topics. Further, many of the outstanding depositions are of employees who are  
8 likely to have more direct personal knowledge of the issues at stake than the Senior Executives, such that  
9 the completion of those depositions may obviate the need for Plaintiffs to take certain Senior Executives'  
10 depositions, or at least narrow the scope (and associated burden) of those depositions. Thus, as Uber  
11 suggests, there is sufficient time left in the schedule for the Court "to postpone the apex depositions until  
12 and if Plaintiffs can demonstrate that other less intrusive discovery methods are inadequate." (Reply, 9  
13 (cleaned up).)

14 For the foregoing reasons, the Court declines to issue an order directing that the depositions of the  
15 Senior Executives "shall not be taken at all in this matter." (Uber's Proposed Orders.) Rather, it believes  
16 a definitive decision on whether some or all of those depositions should go forward should be deferred  
17 until after Plaintiffs have conducted the PMK depositions and a substantial number of depositions of  
18 lower-level Uber employees. (See *Liberty Mutual Ins. Co.*, 10 Cal.App.4th at 1288-1290 [citing with  
19 approval cases which "permit deferment of the depositions of higher executives until subordinates with  
20 supposedly equal or greater knowledge have been deposed" (cleaned up)].) At that point, the parties and  
21 the Court will be in a better position to ascertain whether the Senior Executives possess unique  
22 information that is not available from other sources. If so, upon "a colorable showing of good cause that  
23 the high-level official possesses necessary information to the case," Plaintiffs may request the Court to lift  
24 the protective order and allow the depositions to proceed. (See *id.* at 1289.)

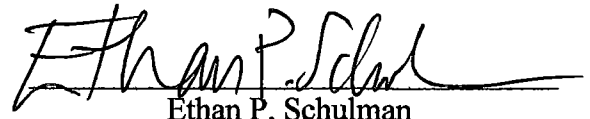
25  
26  
27 <sup>6</sup> Plaintiffs' December 20, 2024 Supplement indicates that they have deposed two additional Uber  
28 witnesses since submitting their initial opposition to Uber's motion, when they represented that nine such  
depositions had been taken. (Supp., 3; Opposition, 8.)

**CONCLUSION**

For the foregoing reasons, the Court grants Uber's motion to quash and for protective order in part. The depositions of the Senior Executives are to be deferred, without prejudice to Plaintiffs seeking to lift the protective order upon a showing of good cause after the parties have completed depositions of Uber's persons most knowledgeable on key topics and of lower-level Uber employees.

IT IS SO ORDERED.

Dated: January 9, 2025

  
Ethan P. Schulman  
Judge of the Superior Court



**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, Edward Santos, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On January 9, 2025, I electronically served:

ORDER ON UBER'S MOTION TO QUASH AND FOR PROTECTIVE ORDER

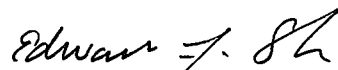
via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated:

JAN 09 2025

Brandon E. Riley, Court Executive Officer

By:



Edward Santos, Deputy Clerk

# **EXHIBIT 2**



Brad Rosenthal CONFIDENTIAL - October 24, 2023

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
COORDINATION PROCEEDING §CASE NO. CJC-21-005188  
SPECIAL TITLE (RULE 3.550) §  
§(ASSIGNED TO THE HON. ETHAN  
SP. SCHULMAN)  
IN RE: UBER RIDESHARE §  
CASES §  
§  
THIS DOCUMENT RELATES TO: §  
§  
ALL CASES §

---

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

SUBJECT TO PROTECTIVE ORDER

\* \* \* \* \*

ORAL AND VIDEOTAPED DEPOSITION OF

BRAD ROSENTHAL

OCTOBER 24, 2023

REPORTED REMOTELY

---

ORAL AND VIDEOTAPED DEPOSITION OF BRAD ROSENTHAL, produced as a witness at the instance of Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 24th of October, 2023, from 11:48 a.m. to 8:31 p.m., Central Standard Time, before Lisa D. Sanchez, CSR in and for the State of Texas, reported by machine shorthand, via Zoom Video Conferencing, pursuant to C.C.P. 2025.010 et seq., and the provisions stated on the record.

Brad Rosenthal CONFIDENTIAL - October 24, 2023

1 within Ms. Yoo's purview when she was at the company?

2 MR. SMITH: Objection to the form of the  
3 question.

4 A. I don't know if the whole time that was the  
5 case. We had someone else named Joe Sullivan, who, I  
6 believe, was our chief security officer. I can't  
7 remember his exact title.

8 Q. (BY MR. ABRAMSON) Okay.

9 A. But he was at the company for a period of time  
10 and oversaw a lot of our engineering security work.

11 Q. Okay. Let's separate out security compliance  
12 then. The compliance team, was Ms. Yoo responsible for  
13 the compliance team when she was at the company?

14 A. Yeah, I believe so.

15 Q. And then the security team that Mr. West  
16 currently oversees, at some point in time that was  
17 overseen by Joe Sullivan, right?

18 A. Yeah, I believe so.

19 Q. When Mr. Sullivan left the company, did that  
20 team at that point move within Mr. West's organization?

21 A. I can't remember exactly when Joe left; but I  
22 think Joe was still here while Dara joined, for a period  
23 of time, not that long. So, yeah. Then -- then --  
24 presuming that team would have moved under Tony.

25 Q. And other than Mr. Sullivan and Mr. West, who

Brad Rosenthal CONFIDENTIAL - October 24, 2023

1 complaint comes in. The first place it goes to at Uber  
2 is the incident investigation team, right?

3 A. That's right.

4 Q. So, today -- when was -- when was the incident  
5 investigation team created?

6 A. I don't know specifically. That team's been  
7 around for a while, though; and as I said, that team  
8 just reads the -- the keywords and then just sends it  
9 off in another direction. I'm not sure exactly when  
10 that team was -- was founded, though.

11 Q. Okay. Was it before or after T.K. left the  
12 company?

13 A. I don't know specifically.

14 Q. Okay. Who is -- today, who oversees the  
15 incident investigation team?

16 A. So, I don't -- I don't know specifically where  
17 it's that team, but it falls within Gus' organization.

18 Q. Where Gus has 17,000 employees in his  
19 organization, right?

20 A. Okay. So, it rolls up to Troy Stevenson.

21 Q. Okay. Can you go any deeper to understand who's  
22 heading up the incident investigation team?

23 A. Let's see here. So, there's a couple of  
24 people -- actually, no, I don't know who oversees the  
25 I.I.T.

Brad Rosenthal CONFIDENTIAL - October 24, 2023

1 company who managed relationships with certain --  
2 certain organizations. But for the most part, it was  
3 Emilie Bowman, who managed these relationships; but  
4 there was no formal P.O.C., from my understanding, for  
5 these specific relationships.

6 Q. Which Uber team was responsible for drafting  
7 Uber's initial safety report?

8 A. My understanding is that was the safety team in  
9 conjunction with the comms and policy team.

10 Q. Which people at Uber drafted the first safety  
11 report?

12 A. So, Brooke Anderson.

13 Q. Okay.

14 A. Brittany Anthony, Katy McDonald and Jodi Page.

15 Q. Brooke Anderson, Brittany Anthony, Jodi Page?

16 A. And Katy McDonald. Katy McDonald.

17 Q. Did Mr. West have a role in drafting the first  
18 safety report?

19 A. He was a reviewer of the report, yeah. He had a  
20 note in one of the pages, one of the first several  
21 pages, if I recall correctly. Yeah, he -- he was on --  
22 he was -- he was involved, yeah.

23 Q. How about Gus Fuldner, was he involved in  
24 preparation or drafting Uber's first U.S. Safety Report?

25 A. Yep.

Brad Rosenthal CONFIDENTIAL - October 24, 2023

1 A. That's correct.

2 MR. ABRAMSON: And we can mark that as  
3 exhibit -- what are we on here? 20?

4 THE REPORTER: I think we're on 21.

5 MR. SMITH: 21.

6 MR. ABRAMSON: Are we? Yep, we are.  
7 You're right. 21. And this is Uber's second U.S.  
8 Safety Report.

9 Q. (BY MR. ABRAMSON) Do you recognize this  
10 document?

11 A. I do.

12 Q. Which Uber employees were responsible for  
13 drafting the second U.S. Safety Report?

14 A. The primary people involved in it were Katy  
15 McDonald, Jodi Page and Emilie Bowman.

16 Q. Which Uber team was responsible for auditing the  
17 sexual assault and sexual misconduct data set forth in  
18 Uber's second U.S. Safety Report?

19 MR. SMITH: Objection to the question to  
20 the extent it calls for information outside the scope of  
21 the notice topics.

22 A. I don't know who is responsible for auditing.

23 Q. (BY MR. ABRAMSON) And which Uber team was  
24 responsible for communicating to the public about Uber's  
25 second U.S. Safety Report?

Brad Rosenthal CONFIDENTIAL - October 24, 2023

1 MR. SMITH: Objection to the question to  
2 the extent it's calling for testimony outside the notice  
3 topics.

4 A. Our communications team.

5 Q. (BY MR. ABRAMSON) And which people specifically  
6 led that team or that effort?

7 A. Jodi Page.

8 Q. Anybody else?

9 MR. SMITH: Same object -- same objection  
10 to the question. Same objection to the question that's  
11 just been posed.

12 A. Jodi was the primary lead on it.

13 Q. (BY MR. ABRAMSON) Is Uber currently working on  
14 a third U.S. Safety Report?

15 MR. SMITH: Object -- objection to the  
16 question to the extent it calls for testimony outside  
17 the scope of the notice topics.

18 And I'll also caution the witness not to  
19 reveal any information he's learned through counsel or  
20 discussions with counsel.

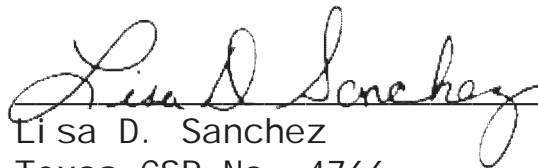
21 A. I don't know.

22 Q. (BY MR. ABRAMSON) Which Uber team is  
23 responsible for collecting the sexual assault and sexual  
24 misconduct data covering the years 2021 and 2022?

25 A. What do you mean responsible for covering it?

Brad Rosenthal CONFIDENTIAL - October 24, 2023

1 Certified to by me this 9th day of  
2 November, 2023.

3  
4  
5  
6  
7  
8 



9 Lisa D. Sanchez  
10 Texas CSR No. 4766  
11 Expiration Date: 7-31-24  
12 MONARCH REPORTING, INC.  
13 Firm Registration No. 314  
14 Expiration Date: 5-31-25  
15 1280 Blue Heron Street  
16 Hitchcock, Texas 77563  
17 Phone: (832) 618-1234  
18  
19  
20  
21  
22  
23  
24  
25

# EXHIBIT 3



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION

COORDINATION PROCEEDING		No. CJC-21-005188
SPECIAL TITLE (Rule 3.550)		

In Re: Uber Rideshare Cases	
_____	

This document relates to:	
ALL ACTIONS	
_____	

CONFIDENTIAL EXCERPTS  
UNDER PROTECTIVE ORDER  
VIDEO DEPOSITION OF ROGER KAISER  
VOLUME 1 - PAGES 1-241  
TUESDAY, NOVEMBER 19, 2024  
SAN FRANCISCO, CALIFORNIA

Reported by: Marilyn Hoover, RPR

California CSR No. 8841

## 1 SPECIAL INDEX TO PROTECTED MATERIAL

2 Pursuant to protective order, the following  
3 portions of the deposition transcript shall be  
4 designated as CONFIDENTIAL:

5 13:18 - 13:21; 14:3 - 15:3; 18:8 - 18:10;  
19:7 - 19:15; 20:8 - 20:14; 22:9 - 24:19;  
6 27:3 - 28:12; 29:8 - 29:13; 34:15 - 37:3;  
39:7 - 39:24; 40:20 - 43:3; 43:12 - 47:8;  
7 48:1 - 51:13; 53:5 - 54:23; 55:6 - 56:18  
57:1 - 64:6; 65:6 - 69:16; 69:21 - 70:8;  
8 70:16 - 85:3; 88:4 - 89:24; 90:10 - 96:5;  
96:12 - 96:18; 99:17 - 100:23; 101:5 - 109:3;  
9 110:22 - 115:11; 115:21 - 129:6; 131:7 - 135:11;  
135:17 - 137:10; 138:5 - 145:4; 145:16 - 146:16;  
10 147:1 - 149:13; 149:23 - 155:17; 161:20 - 165:6;  
165:14 - 168:5; 168:16 - 173:10; 174:10 - 176:13;  
11 177:6 - 179:9; 179:15 - 181:9; 181:14 - 183:25;  
184:8 - 185:12; 185:20 - 186:19; 186:24 - 188:4;  
12 188:11 - 189:5; 189:20 - 190:1; 191:19 - 193:3;  
193:8 - 194:12; 194:17 - 196:21; 197:4 - 200:13;  
13 207:4 - 208:11; 208:20 - 209:20; 210:1 - 212:4;  
212:11 - 215:5; 215:9 - 215:24; 216:3 - 218:1;  
14 218:7 - 220:10; 221:1 - 222:17; 222:22 - 224:20;  
225:4 - 226:12; 231:15 - 231:17; 232:2 - 233:24;  
15 236:3 - 238:8.

16

17 Pursuant to the above-referenced protective  
18 order, the following portions of the deposition  
19 transcript shall be designated as HIGHLY CONFIDENTIAL  
- ATTORNEYS' EYES ONLY:

19

20 96:22 - 99:16; 155:22 - 161:14; 189:15 - 189:19;  
21 190:2 - 191:15; 234:3 - 235:22.

21

22

23 Additionally, 226:20-231:8 and 231:18-232:1 has been  
24 wholly redacted in all versions.

24

25

1 SPECIAL INDEX TO PROTECTED MATERIAL (CONT.)

2 In addition, the exhibits to Mr. Kaiser's  
3 deposition are each designated as CONFIDENTIAL  
(consistent with the designation made at the time of  
4 production), with the following exceptions:

5 • Exhibit 407 has been designated Highly

6 Confidential - Attorneys' Eyes Only

7 • Exhibit 438 has been designated Highly

8 Confidential - Attorneys' Eyes Only

9 • Exhibit 436 shall also be wholly

10 redacted in all versions

11

12 \* \* \*

13 (Appearances moved to end of transcript.)

14 \* \* \*

15

16

17

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20

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24

25

Page 14

1 09:32

2 09:32

3 Q. And what are your duties as the head of 09:32

4 safety operations? 09:32

5 A. My job is to ensure that the senior 09:32

6 executives at Uber have the best understanding of our 09:32

7 material safety risks on the platform. So think of 09:32

8 the types of safety incidents that can or could occur, 09:33

9 things like auto car crashes interpersonal conflict. 09:33

10 And to also ensure that they have -- the senior 09:33

11 leadership has options and recommendations to invest 09:33

12 in ways to mitigate or to try to control for those 09:33

13 types of risks, as well as a responsibility to 09:33

14 operationalize some of those controls once they're 09:33

15 decided upon. 09:33

16 Q. When you say "operationalize," what do you 09:33

17 mean? 09:33

18 A. So the decision is made to create a control 09:33

19 or proceed with an investment; then my team oftentimes 09:33

20 supports rolling those out or putting them into place, 09:33

21 monitoring them, continuously improving them, things 09:33

22 like that. 09:33

23 Q. And you said "interpersonal conflict." What 09:33

24 does that mean? 09:33

25 A. So that can be any type of interpersonal 09:33

1	conflict, from physical assault to sexual assault,	09:33
2	from nonviolent or like nonphysical interaction to	09:33
3	through contact.	09:34
4		09:34
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24		09:35
25		09:35

November 19, 2024

1 STATE OF CALIFORNIA )  
2 ) SS.  
3 COUNTY OF SAN FRANCISCO )

4 I, MARILYNN HOOVER, CSR No. 8841 for the State of  
5 California, do hereby certify:

6 That prior to being examined, the witness named  
7 in the foregoing deposition was duly sworn to testify  
8 the truth, the whole truth, and nothing but the truth;

9 That said deposition was taken down by me in  
10 shorthand at the time and place therein named, and  
11 thereafter reduced by me to typewritten form; and that  
12 the same is a true, correct, and complete transcript  
13 of the said proceedings.

14 Before completion of the deposition, review of  
15 the transcript [X] was [ ] was not requested. If  
16 requested, any changes made by the deponent (and  
17 provided to the reporter) during the period allowed  
18 shall be appended hereto.

19 I further certify that I am not interested in the  
20 outcome of the action.

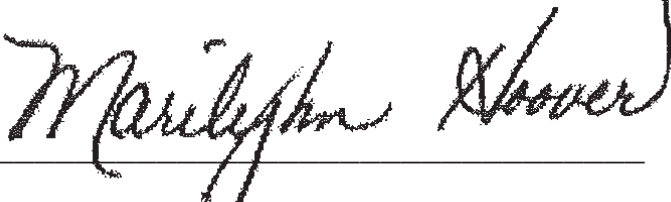
21 Witness my hand this 20th day of November 2024.

22

23

24

25

A handwritten signature in cursive script, reading "Marilynn Hoover", is written over a horizontal line.

Marilynn Hoover, RPR

California CSR No. 8841

# EXHIBIT 4

Kate Parker Volume I Highly Confidential  
December 03, 2024

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO

---oOo---

COORDINATION PROCEEDINGS )  
 )  
In Re: Uber Rideshare Cases ) No. CJC-21-005188  
\_\_\_\_\_ )

\*\*\* HIGHLY CONFIDENTIAL \*\*\*

VIDEOTAPED DEPOSITION OF KATE PARKER

VOLUME I (Pages 1 - 431)

December 3, 2024

9:13 a.m.

101 McInnis Parkway  
San Rafael, California 94903

Reported by:

Natalie Y. Botelho

CSR No. 9897



1	facts and can judge for themselves," correct?	09:32:45
2	A. Correct, that -- yes, that's what it says.	09:32:52
3	Q. "Getting people from point A to point B	09:32:53
4	safely and reliably is the single most important	09:32:57
5	thing Uber does. It's why we have a dedicated Trust	09:33:00
6	and Safety team, overseen by Joe Sullivan (whose	09:33:04
7	entire career has been focused in this field, first	09:33:07
8	as a federal prosecutor and then at eBay, Facebook,	09:33:09
9	and now Uber) and run by Phil Cardenas." Do you see	09:33:13
10	that?	09:33:16
11	A. Yes.	09:33:17
12	Q. And Mr. Sullivan, after this e-mail, was	09:33:17
13	federally charged for obstruction of justice,	09:33:21
14	correct?	09:33:23
15	A. I believe so, although I don't know the	09:33:24
16	specifics of his particular case.	09:33:27
17	Q. And he was convicted by a jury, correct?	09:33:29
18	A. I believe so, but I don't actually know.	09:33:32
19	Q. Of lying to the federal government,	09:33:34
20	correct?	09:33:35
21	A. I believe so.	09:33:36
22	Q. "This team exists to reduce safety	09:33:36
23	incidents, and its success is judged on that one	09:33:41
24	metric." Do you see that?	09:33:44
25	A. Yes.	09:33:48

December 03, 2024

1	Sullivan, Jill Hazelbaker, and Tim Collins.	09:42:53
2	Q. Thank you. And Joe Sullivan is the	09:42:57
3	gentleman we just talked about who was convicted for	09:42:58
4	conduct he committed while at Uber, correct?	09:43:01
5	A. I -- yes.	09:43:04
6	Q. And Jill Hazelbaker is still with Uber,	09:43:05
7	correct?	09:43:07
8	A. I believe so, but I do not actually know	09:43:07
9	for sure.	09:43:09
10	Q. Who is Tom Collins (sic)?	09:43:10
11	A. I do not know.	09:43:13
12	Q. I'm sorry. Tim Collins.	09:43:14
13	A. I do not know.	09:43:15
14	Q. Okay. Thank you.	09:43:16
15	All right. Let's go to the next document.	09:43:17
16	Ma'am, I'm going to mark this as Exhibit 603 to your	09:43:21
17	deposition.	09:43:24
18	(Whereupon Exhibit 603 was marked for	09:43:25
19	identification.)	09:43:25
20	MR. CUBBERLY: And Dianne, this is ending	09:43:37
21	in 1145811.	09:43:38
22	THE TRIAL TECH: I'm sorry. Can you	09:44:11
23	repeat the last Bates numbers, please?	09:44:13
24	MR. CUBBERLY: Yeah, I'm sorry. 1145811.	09:44:15
25	This might be the e-mail I was unable to find,	09:44:22

1 STATE OF CALIFORNIA )  
 ) ss.  
2 COUNTY OF ALAMEDA )

3 I, Natalie Y. Botelho, a Certified  
4 Shorthand Reporter, do hereby certify:

5 That prior to being examined, the witness  
6 in the foregoing proceedings was by me first duly  
7 sworn to testify to the truth, the whole truth, and  
8 nothing but the truth;

9 That said proceedings were taken before me  
10 at the time and place therein set forth and were  
11 taken down by me in shorthand and thereafter  
12 transcribed into typewriting under my direction and  
13 supervision.

14 I further certify that I am neither  
15 counsel for, nor related to, any party to said  
16 proceedings, nor in any way interested in the  
17 outcome thereof.

18 IN WITNESS WHEREOF, I have hereunto  
19 subscribed my name.

20

21 Dated: December 11, 2024

22

23

24

25 NATALIE Y. BOTELHO  
CSR NO. 9897